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US Patent and Trademark Office
Commissioner for Patents
P O Box 1450
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Re: Application # 10/647,178

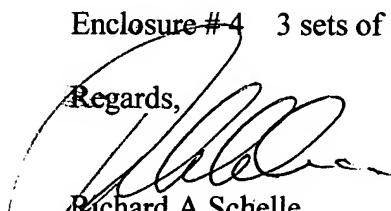
Enclosure #1 6 sheets
Office Action Response for Applicants SCHELLE ET AL:
Office Action Summary
Application/Control Number 10/647,178
Examiner David J Parsley, Art Unit 3643

Enclosure # 2 1 sheet
Chum tube lure Abstract

Enclosure # 3 17 sheets
Chum tube lure Specification

Enclosure # 4 3 sets of black and white photographs 24 photographs

Regards,


Richard A Schelle
P O Box 887
Plymouth Ma 02362



Office Action Response for Applicants SCHELLE ET AL.:

Office Action Summary

Application/Control Number 10/647,178

Examiner David J Parsely, Art Unit 3643

Page 1 of 6

Art Unit: 3643 page 2 Information Disclosure Statement item number 1:

Listing of references in the specification is not a proper information disclosure statement. The specification has been edited to remove the reference by lining out the reference information.

Art Unit: 3643 page 2 Specification item number 2:

The chum tube lure abstract has been separated from the specification and submitted under this office action as a separate document page. The abstract has also been edited to reduce the narrative to 150 words.

Art Unit: 3643 page 3 Specification item number 3:

The specification disclosure has been edited to add reference numerals indicating the components of the invention in the drawings.

Art Unit: 3643 page 3 Drawings item number 4:

The colored photographs submitted are because we only have access to a digital camera that prints photographs in color. For this invention black and white photographs will be used to disclose this invention and we have enclosed three sets of black and white photographs..

Art Unit: 3643 page 3 Drawings item number 5:

The black and white photos are revised to include reference signs, reference numerals indicating the particular components of the invention discussed in the disclosure. The sheets are marked "Replacement Sheet" and also included are all of the figures appearing on the immediate prior version of the sheet.

Art Unit: 3643 page 4 Claim Objections item number 6:

The claims 1-8 have been edited to reduce the capital letters in " Chum Tube Lure" to lower case letters "chum tube lure"

Art Unit: 3643 page 4 Claim Rejections - 35 USC & 112 item number 7:

Claim 3 recites the limitation "said hole angled up from front to back" in line 2. There is insufficient antecedent basis for this limitation in the claim. The hole in the lead head is used for three purposes: 1) load the fish oil attractant. 2) trolling forces water through the hole in the lead head, then through the tube and around the manila rope floating free inside the tube for a controlled release of the fish oil attractant. 3) the hole is angled up from the front to back for trolling deeper. Claim 2 has "lead head means with a hole" and claim 3 has "lead head means with said hole", the hole is first used to load fish oil attractant and later in time is used to provide a deeper depth when the chum tube lure is trolled. The use of the same hole at different instances of time provides the antecedent basis for this limitation in the claim.

Art Unit: 3643 page 4 and 5 Claim Rejections - 35 USC & 102 item number 8:

Fish oil attractant is difficult to load. In the prior art of Cheng it is impossible to load fish oil attractant through the same hole in Cheng's plug 14,15 used for the shaft 11, see Cheng patent number 4,133,134 page 2 lines 63 to 68 and page3 lines1 to 19. In order for Cheng to load fish oil attractant see Cheng patent page 3 line14 to 16; " In use, one or both plugs, 14, 15 can be removed from within tube 10 to permit access to the interior of the tubing for filling the interior with scented bait". The problem with this is after many times disassembling the fishing lure to load scented bait and re-assembling, the fishing

lure will be worn out. A unique feature of the chum tube lure is the special hole angled up for loading fish oil attractant without requiring disassembly and re-assembly of the chum tube lure. The hole has to be large enough to accept the end of a funnel for pouring in the fish oil attractant or else a funnel cap on a plastic container that can be squeezed to load the fish oil attractant. The prior art used the fishing line type, weight of the lead head and trolling speed to determine the depth of trolling. The unique geometry of the hole angled up in the lead head is used for three purposes 1) load the fish oil attractant 2) the hole is angled up from the front to back for trolling deeper and 3) trolling forces water through the hole in the lead head through the chum tube and around the manila rope floating free inside the chum tube for a controlled release of the fish oil attractant. This allows the chum tube lure to be trolled deeper than just by the fishing line type, weight of the lead head and trolling speed. In prior art, the fishing lure has an eye for connecting the fishing line that is in line with the fishing lure. The unique geometry of the hole angled up in the lead head of the chum tube lure is used for three purposes 1) load the fish oil attractant 2) the hole is angled up from the front to back for trolling deeper and 3) trolling forces the water external to the chum tube lure through the hole angled up from the bottom of the lead head through the chum tube and around the manila rope floating free inside the chum tube for a controlled release of the fish oil attractant. This allows the chum tube lure to be trolled deeper than just by the fishing line type, weight of the lead head and trolling speed. The unique eye at the top of the lead head is for connecting the fishing line to the chum tube lure to keep the chum tube lead head upright when trolled.

Art Unit: 3643 page 4 and 5 Claim Rejections - item number 8 Continued:

Claims 1, 2 and 4 are unique claims of the chum tube lure invention and should be allowed based on the above discussion.

Art Unit: 3643 page 5 and 6 Claim Rejections - 35 USC & 103 item number 9:

Refer prior art discussions above for " Art Unit: 3643 page 4 and 5 Claim Rejections - 35 USC & 102 item number 8:"

In the prior art of Cotroumpas the fishing lure uses a nozzle 95 and a pressurized medium to force eject the fish chum material. The nozzle is in line with the lure and has no other uses. In prior art of Cotroumpas the fishing lure has an eye for connecting the fishing line that is in line with the fishing lure and a pressurized medium is used within the fishing lure to eject by force the fish chum material. The unique geometry of the hole angled up in the lead head of the chum tube lure is used for three purposes 1) load the fish oil attractant 2) the hole is angled up from the front to back for trolling deeper and 3) trolling forces the water external to the chum tube lure through the hole angled up from the bottom of the lead head through the chum tube and around the manila rope floating free inside the chum tube for a controlled release of the fish oil attractant. This allows the chum tube lure to be trolled deeper than just by the fishing line type, weight of the lead head and trolling speed. The unique eye at the top of the lead head is for connecting the fishing line to the chum tube lure to keep the chum tube lead head upright when trolled.

The prior art of Stone U.S. patent No. 6,789,349 shows the difficulty in loading the liquid attractant. Stones dispensing fish lure uses a large plug in the body of the lure. A hole in the plug is for a wick to disperse the liquid attractant. One end of the wick protrudes through the hole in the plug external to the lure. The other end of the wick is inside the

fishng lure to absorb the liquid attractant when the plug is inserted in the lure. The problems with this is after many times disassembling the fishing lure to load liquid attractant and re-assembling, the fishing lure will be worn out. The plug and wick will have to be replaced. The attractant in Stones lure is released by weeping liquid through the wick and is not well controlled. The unique geometry of the hole angled up in the lead head of the chum tube lure is used for three purposes 1) load the fish oil attractant 2) the hole is angled up from the front to back for trolling deeper and 3) trolling forces the water external to the chum tube lure through the hole angled up from the bottom of the lead head through the chum tube and around the manila rope floating free inside the chum tube for a controlled release of the fish oil attractant. This allows the chum tube lure to be trolled deeper than just by the fishing line type, weight of the lead head and trolling speed. The unique eye at the top of the lead head is for connecting the fishing line to the chum tube lure to keep the chum tube lead head upright when trolled.

In the prior art Cheng plugged tube 23 with metal balls 14,15 in which one or both had to be removed to load fish oil attractant. The line or shaft 11 is in line and centered with Cheng's lure. Cheng uses a spinner 22,21 to cause the lure to swing erratically. The prior art used the fishing line type, weight of the lead head and trolling speed to determine the depth of trolling. Cheng requires the weight of the metal balls to keep his fishing lure from floating on top of the water.

The unique design of the wood dowel with an offset hole helps to control the release of the fish oil attractant from the chum tube. When trolling water is forced over and through the chum tube. The water forced through the chum tube and out the offset hole in the

wood dowel is what causes the chum tube lure to swing erratically. The wood dowel was selected for its lightweight. A lead or metal weight would bend the chum tube and this would not allow the fish oil attractant flowing out of the chum tube to erratically swing the chum tube lure.

In the prior art the fishing lure was used to load, hold and release the fish attractant. This limited the fisherman to one lure, where on many days depending on time of day, water temperature and fishing depth some lures work and others do not. Even with the fish oil attractant there is no guarantee a particular lure will work under all conditions. The unique design of the chum tube used with a barrel swivel allows the fisherman to have many different lures ready to use with the chum tube. The description of the preferred embodiment in the specification used a tube ell for the lure. Many lures and live or dead bait can be used with the chum tube. The barrel swivel is used to attach the lure or a bait hook to the chum tube.

The prior art as discussed above on pages 1 through 6 is much different with many limitations. The claims 1 through 8 are unique claims of the chum tube lure invention and should be allowed based on the above discussions.